IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 394 OF 2006.

C.N. Udaykumar .. Applicant

V/s
The State of MNaharashtra ..Respondent.

Mr. Niranjan Mundargi for the applicant.
Mr. S.S. Pednekar, A.P.P.for the State,

CORAM : S.C. DHARMADHIKARI, J.

DATE : 28TH SEPTEMBER, 2006.

P.C.

. Mr. Mundargi appearing for the applicant, submits that for the reasons set out in the application and on account of the fact that the applicant is not resident of Maharashtra State, he could not procure local surety. Therefore, the condition may be relaxed as applicant undertakes to furnish surety from the neighbouring Kolhapur District.

2. Further, the applicant would attend as directed in the order passed by this court.

3. The learned A.P.P.states that the applicant has

not been attending and so also not extending cooperation in the investigation. As a result of the same, the charge-sheet could not be filed. The order passed granting anticipatory bail on 16th November, 2005 and the conditions have not been complied with till date.

4. After hearing both sides and taking into consideration the fact that the applicant prays for last opportunity to comply with the conditions imposed by this Court, it is directed that the applicant would be entitled to avail of the benefit of the order passed by this Court on 16th November, 2005, provided he remains present before the Investigating Officer on 9th October, 2006 and within this period i.e. from today till 9th October, 2006, he furnishes surety from Kolhapur. It is only upon this undertaking, the condition to furnish the local surety is relaxed and the applicant is permitted to avail of the benefit of the order. In default of compliance, the order would stand vacated forthwith without further reference to this Court.

5. Application is disposed of.

(S.C.DHARMADHIKARI, J.)